

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

V.

RAMIRO PERDOMO(4)

§
§
§
§

NO. 4:18CR132-4

**MOTION FOR REDUCTION OF SENTENCE PURSUANT
TO 18 U.S.C. § 3582(c)(2)**

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS:

COMES NOW Defendant, by and through defendant's undersigned attorney, and files this, the defendant's *Motion for Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2)*, and would show this Honorable Court as follows, to-wit:

I.

RELIEF REQUESTED

Defendant's original guideline range was 70 months to 87 months, based on a total offense level of 23, and a criminal history category IV. On, April 3, 2019, Defendant was sentenced to 87 months imprisonment. With the application of the 2023 retroactive guideline amendment, Defendant's total offence level would be 23, a criminal history category III and the guideline range would be 57 months to 71 months.

Defendant moves under 18 U.S.C. § 3582(c)(2) for an order reducing the defendant's term of imprisonment from 87 months to 57 months, based on the retroactive amendment to the sentencing guidelines.

Defendant's current proposed release date is January 17, 2027.

II.

JURISDICTION

This Court has jurisdiction to modify the defendant's sentence now under the plain language of 18 U.S.C. §3582(c)(2) which provides:

In the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o), upon motion of the defendant, the director of the Bureau of Prisons, or on its own motion, the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.

The predicate conditions conferring jurisdiction are met in this case. Defendant was sentenced based on a sentencing range that was subsequently lowered by the Sentencing Commission on November 1, 2023. *See* U.S.S.G. App. C, Amend. 821 . The Sentencing Commission promulgated a policy statement making the reduction retroactive. Amendment 821 became effective November 1, 2023. See U.S.S.G § 1 B 1.10.

III.

CONFERENCE

The undersigned counsel has conferred with the United States Attorney's Office, and they intend to file a written response.

IV.

CONCLUSION

WHEREFORE, PREMISES CONSIDERED, the defendant respectfully requests that this Honorable Court grant the *Motion for Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2)* and reduce the Defendant's sentence to 57 months.

Respectfully submitted,

/s/ Wayne R. Dickey
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Texas Bar Number: 05832020
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of February, 2024, a true and correct copy of the foregoing Defendant's MOTION TO REDUCE SENTENCE PURSUANT TO 18 U.S.C. § 3582(c)(2) was sent via CM/ECF:

United States Attorney
110 N. College, Suite 700
Tyler, Texas 75702

/s/ Wayne R. Dickey

Attorney for Defendant